

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff.

v.

(1) MICHAEL GEORGE McQUARN,

Defendant.

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CRIMINAL NO. A-20-CR-229(1) LY

UNOPPOSED MOTION TO DISMISS INDICTMENT

Pursuant to Rule 48(a), Federal Rules of Criminal Procedure, the United States Attorney for the Western District of Texas hereby requests that the Indictment filed in this case as to Defendant MICHAEL GEORGE McQUARN be dismissed.

On or about October 15, 2022, Defendant MICHAEL GEORGE McQUARN died in Austin, Texas, which this office has confirmed through official sources. Because Defendant died while the case was pending, but before a final judgment was issued, the Indictment must be dismissed under the rule of abatement. *See United States v. Estate of Parsons*, 367 F.3d 409, 413 (5th Cir. 2004). Accordingly, continuation of the federal prosecution against Defendant McQUARN is not warranted and dismissal is appropriate. Dismissal of the Indictment is requested only as to Defendant McQUARN and shall not affect nor apply to any other defendant charged in this case.

The undersigned has conferred with Russell Hunt, Jr., Esq., counsel for Defendant McQUARN, concerning this Motion and Mr. Hunt stated that he does not oppose it.

Respectfully submitted,

JAIME ESPARZA
United States Attorney

By: */s/ Matthew Devlin*

MATTHEW DEVLIN
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Matthew Devlin

MATTHEW DEVLIN
Assistant United States Attorney

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ORDER

Came on to be considered the United States' Unopposed Motion to Dismiss Indictment, and the Court, having considered same, finds said motion meritorious. Accordingly, it is

ORDERED that the United States' Motion is **GRANTED**.

IT IS FURTHER ORDERED that the Indictment filed in the above styled and numbered cause as to Defendant MICHAEL GEORGE McQUARN be, and is hereby, **DISMISSED**.

IT IS FURTHER ORDERED that this Order of dismissal as to Defendant McQUARN applies only to Defendant McQUARN and does not affect nor apply to any other defendant charged in this case.

SIGNED this _____ day of _____, 2023.

UNITED STATES DISTRICT JUDGE